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EXTRAORDINARY

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## RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 2nd September, 1960:—

BILL No. XI OF 1960

*A bill further to amend the Industrial Disputes Act, 1947*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Industrial Disputes (Amendment) Act, 1960.

Short title.

14 1947

2. In section 33 of the Industrial Disputes Act, 1947, for sub-section (5), the following sub-section shall be substituted, namely:—

Amendment  
of section 33.

“(5) where an employee makes an application to a conciliation officer, Board, Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, after hearing the parties and considering evidence, if any, adjudicate upon the application in accordance with the provisions of this Act, as if it were a dispute referred to or pending before it, and submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.”.

## STATEMENT OF OBJECTS AND REASONS

Under section 33 of the Industrial Disputes Act, 1947, an employer is required to seek approval of the action taken by him against a workman if the action is proposed to be taken during the pendency of any proceedings in respect of an industrial dispute in which such workman is concerned. The scope of this section is very much limited. Under sub-section (5) of this section, the authority, to whom an application for approval of the action is made, is simply to hear such application and pass as expeditiously as possible an order giving its approval of the action taken by the employer if a *prima facie* case has been made up. The merits of the case and the quantum of punishment are not decided in these proceedings. The workman has to raise an industrial dispute in order to challenge the action taken against him by the employer. This results in delay, multiplicity of proceedings and heavy financial liabilities for the workman. Besides, the approval of the employer's action by the authority prejudices the case of the workman.

2. The Bill seeks to remedy these defects.

R. K. MALVIYA.

S. N. MUKERJEE,  
Secretary.